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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,049

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Fernando Jorge Maldonado Ferreira Lopes

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EXAMINER

TROY, DANIEL J

ART UNIT

PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,049	Applicant(s) MALDONADO FERREIRA LOPES, FERNANDO JORG	
	Examiner DANIEL J. TROY	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/8/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “sword-like hand protector” of claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “62” has been used to designate both guiding ramps and lifting ramps. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim 1 is objected to because of the following informalities: the transporting tube is designated character 19 while the drawings and specification have the transporting tube labeled 22. It is unclear whether the applicant intends to claim the supporting tube or transporting tube, as defined in the specification, appropriate correction is required.

Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 5 broadens the subject matter of claim 1 by removing the pre-firing point, thus claim 5 fails to further limit claim 1.

Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The statement "can have a set of barrels" adds no limitation to the invitation and actually broadens the invention by removing the limitation of having any barrel at all. Further the statement "which does not have to be four" does not add any limitation to the number of barrels, of which could be anywhere from zero to infinity, including four.

Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

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dependent form, or rewrite the claim(s) in independent form. Claim 9 removes the limitation of "same type of ammunition", of claim 1, by stating various types of ammunition can be used, thus failing to further limit claim 1.

Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 removes the; housing barrel, ammunition ejection system and progressive impact area indicator laser sight system of claim 1, thus failing to further limit the subject matter of claim 1.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The method of and/or means for; determining the distance to the target and enlarging or reducing the area of dispersion, are not included in the claim(s) and are not enabled by the disclosure.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The method of determining the distance to the target is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The method of enlarging or reducing the area of dispersion is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claim 2 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for firing the handgun with two hands, does not reasonably provide enablement for a handgun incapable of being fired by a person with only one hand. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to have a handgun that unable to be fired by a person with only one hand the invention commensurate in scope with these claims.

Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is no description as to how the firing handle could be used with any other type of

firearm, for example there is no correlation made between the handle and something typical to most firearms, such as a trigger.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

The pronoun "it" is used numerous times throughout the claims and fails to properly point out which noun it is being used to describe, thus rendering the claims indefinite.

The term "certain age" in claim 1 is a relative term which renders the claim indefinite. The term "certain age" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term "sufficient force" in claim 1 is a relative term which renders the claim indefinite. The term "sufficient force" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationship is the "certain angle" that the multiple barrels rotate in relation to the handle.

The term "same type of ammunition" in claim 1 is a relative term which renders the claim indefinite. The type of ammunition is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term "a small child" in claim 2 is a relative term which renders the claim indefinite. The term "small child" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 1 recites the limitations; "the handle" in line 3, "the firing set" in line 4, "the transporting tube" in line 5, "the striker" in line 7, "the body" in line 8, "the pre-firing point" in line 9, "the compression spring" in line 10, "the shell" in line 11. Claim 1 recites the limitation "the active safety system" in line 14, "the firearm" in line 15, "the system" in line 17, "the wheel" in line 18, "the blocking system" in line 22, "the opening system" in line 1, "the shaft" in line 1 page 2, "the hinge" in line 2 page 2, "the part" in line 10 page 2, "the switch button" in line 19 page 2, "the tube" in line 20 page 2. There is insufficient antecedent basis for these limitations in this claim.

Claim 2 recites the limitation "the percussion system" in line 4. There is insufficient antecedent basis for this limitation in this claim.

Claim 3 recites the limitation "the guiding ramps" in line 2. There is insufficient antecedent basis for this limitation in this claim.

Claim 4 recites the limitation "the lifting ramps" in line 2. There is insufficient antecedent basis for this limitation in this claim.

Claim 5 recites the limitation "the lifting ramp". There is insufficient antecedent basis for this limitation in this claim.

Claim 5 recites the limitation "the ramp". There is insufficient antecedent basis for this limitation in this claim.

Claim 6 recites the limitation "the set of internal firing barrels". There is insufficient antecedent basis for this limitation in this claim.

Claim 10 recites the limitation "the ramp disc". There is insufficient antecedent basis for this limitation in this claim.

Claim 11 recites the limitation "the outside barrel". There is insufficient antecedent basis for this limitation in this claim.

Prior Art

The examiner notes that because the claims do not particularly point out and distinctly claim the subject matter which the applicant regards as his invention, as stated above, exemplarily prior art will be cited as reading over limitations of the claims as best understood by the examiner.

Schwaerzer (Patent 1534085) discloses with reference to figure 1, a firing system consisting of a mechanism inside the handle which will force the firing set (26-30) inserted inside the transporting tube (20), coupled to a guiding disc (22) of a striker (29), to execute a movement around the longitudinal axis (16) of the handle, the striker thus being forced to commence a firing cycle so that when that the compression spring (30) will move the striker forward with enough force to detonate the shell ("cartridges" Page 2 Line 24); a safety locking system (Page 1 lines 99-110) in order to lock or unlock an active safety system, thus preventing the firearm from unlocking if it accidentally receives a blow or is dropped, thus locking the mechanism of rotation when it is inserted inside hold (31) in the guiding disc; when the wheel is manually rotated around its axis in one direction a pin (43) is move corresponding to an activated safety position; multiple barrels ("plurality of bores" Page 1 Line 49).

Babington (Patent 3545116) discloses, multiple barrels which can be separated from the handle by means of a hinge system (C5 L74–C6 L27), for opening the handgun and which when rotated longitudinally in relation to the handle to an angle.

Tai et al. (Patent 5483362) discloses, and external laser sight system which can enlarging or reducing the area of dispersion proportionally to the distance of a target.

Babington (Patent 3545116), discloses the outer covering of the set of internal firing barrels is constituted by flat walls forming a certain angle between them, thereby obtaining a square, rectangular or trapezoidal outer covering (figure 6).

Schwaerzer (Patent 1534085) discloses with reference to figures 1 and 2, the ramps disc is divided into two parts, and internal cylinder (14) containing the set of lifting projections and a disc (13) functioning as a support for the whole set.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL J. TROY whose telephone number is (571)270-3742. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (571) 272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Michael J. Carone/
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